



### **JURISDICTION**

4. This action is brought under 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. §§ 1983, 1985 and 1988 and the Fourth, Fifth and Fifteenth Amendments to the Constitution of the United States. Pendant Jurisdiction, pendant party jurisdiction, and supplementary jurisdiction over plaintiff's state law claims is asserted.

5. The amount in controversy exceeds \$75,000.00 excluding interest and costs.

6. Venue is laid within the United States District Court for the Southern District of New York in that the claims alleged in the complaint occurred within the boundaries of the Southern District of New York, particularly New York County.

### **PARTIES**

7. Plaintiff, at all times relevant hereto, resided in the City of New York and State of New York, County of New York.

8. Plaintiff has since moved to Florida.

9. That at all times hereinafter mentioned, and upon information and belief, the defendant, THE CITY OF NEW YORK, was at all times relevant hereto, a municipal corporation duly organized and existing under the laws, statutes and charters of the State of New York.

10. The NYPD was at all times relevant hereto, an agency of the defendant THE CITY OF NEW YORK.

11. That at all times hereinafter mentioned, and on information and belief, the defendants ANDRADE, JOHN DOE #1 and JOHN DOE #2 and other members of the NYPD, were at all times relevant hereto, employees of the defendant THE CITY OF NEW YORK, as police officers employed by the NYPD.

12. At all times mentioned herein, defendants were acting under color of state and local law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the City of New York and the State of New York.

13. That at all times hereinafter mentioned, and upon information and belief, the individual defendants are named herein both personally and in their

official representative capacities as police officers employed by the defendant, THE CITY OF NEW YORK. And that each and all of the acts of the individual defendants alleged herein were done by the individual defendants and each of them under cover and pretense of the statutes and laws of the State of New York, and under and by virtue of their authority as police officers and employees of defendant, THE CITY OF NEW YORK.

14. That as a result of the foregoing, the defendant, THE CITY OF NEW YORK, is liable for the individual defendant's acts under to the doctrine of "respondeat superior."

### **FACTUAL ALLEGATIONS**

15. On May 30, 2020, at approximately 3:15 p.m. plaintiff went to 86<sup>th</sup> Street and Second Avenue, New York, New York to meet a friend at the Q train subway stop.

16. Plaintiff then walked to 87<sup>th</sup> Street and Second Avenue where he noticed a large number of people whom he soon learned were protesting George Floyd's murder which had tragically occurred on May 25, 2020.

17. Plaintiff, and the protesters that he observed, were initially directed by members of the New York City Police Department to Park Avenue and 87<sup>th</sup> Street and subsequently directed south to Park Avenue and 83<sup>rd</sup> Street.

18. At approximately 3:41 p.m., in the vicinity of East 83<sup>rd</sup> Street and Park Avenue, in New York County, although the plaintiff had done nothing wrong, he was arrested by defendants and charged with disorderly conduct pursuant to Penal Law § 240.20 (6).

19. Because of defendants' conduct, the plaintiff was imprisoned, detained, restrained and held against his will and unlawfully deprived of his liberty and property. In addition, defendants assaulted and battered the plaintiff when they arrested him.

20. During his arrest defendants used excessive force against the plaintiff resulting in his forehead being cut.

21. Following his arrest, the plaintiff was held in custody for approximately five hours before being released.

22. The arrest of the plaintiff was committed by the defendants without legal process and without probable cause.

23. Defendants acted maliciously and intentionally.

24. As a direct and proximate result of the acts of defendants, plaintiff suffered injuries including but not limited to embarrassment, humiliation, emotional distress, loss of liberty and property as well physical injury.

**FIRST CLAIM FOR RELIEF**  
**(FALSE ARREST AND ILLEGAL IMPRISONMENT)**

25. Paragraphs 1 through 24 are herein incorporated by reference.

26. Defendants ANDRADE, JOHN DOE #1 and JOHN DOE #2, subjected the plaintiff to false arrest, imprisonment, and deprivation of liberty without probable cause.

27. Defendants have deprived the plaintiff of his civil, constitutional and statutory rights and have conspired to deprive him of such rights and are liable to plaintiff under 42 U.S.C. §§ 1983 and 1985 and the New York State Constitution.

28. As a result of the false arrest, imprisonment, and deprivation of liberty, plaintiff was damaged in the sum of Five Million (\$5,000,000.00) Dollars.

**WHEREFORE**, plaintiff demands judgment against the defendants, jointly and severally as follows:

A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;

B. Awarding plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;

C. Awarding plaintiff reasonable attorney's fees, costs and disbursements of this action; and

D. Granting such other and further relief as this Court deems just and proper.

**SECOND CLAIM FOR RELIEF**  
**(MUNICIPAL LIABILITY)**

29. Paragraphs 1 through 28 are incorporated herein by reference.

30. Defendant THE CITY OF NEW YORK is liable for the damages suffered by the plaintiff as a result of the conduct of its employees, agents, and servants.

31. Defendant THE CITY OF NEW YORK knew or should have known of their employees', agents', or servants' propensity to engage in the illegal and wrongful acts detailed above.

32. Upon information and belief, defendants and their supervisors have in the past falsely arrested individuals without probable cause, and made, and allowed other fellow police officers to make false entries in official police department records to cover up and hide their wrongful conduct.

33. Defendant THE CITY OF NEW YORK has failed to take steps necessary to discipline, train, supervise or otherwise correct the improper, illegal conduct of the individual defendants in this and in similar cases involving misconduct.

34. Defendant THE CITY OF NEW YORK has damaged the plaintiff by its failure to properly supervise, train, discipline, review, remove, or correct the illegal and improper acts of its employees, agents or servants in this and in similar cases involving police misconduct.

35. Defendants subjected the plaintiff to false arrest and false imprisonment.

36. Plaintiff has been damaged as a result of the wrongful, negligent and illegal acts of the defendant THE CITY OF NEW YORK in the amount of Five Million (\$5,000,000.00) Dollars.

**WHEREFORE**, plaintiff demands judgment against the defendants, jointly and severally as follows:

- A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;
- B. Awarding the plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;
- C. Awarding the plaintiff reasonable attorney's fees, costs and disbursements of this action; and
- D. Granting such other and further relief as this Court deems just and proper.

**THIRD CLAIM FOR RELIEF**  
**(EXCESSIVE FORCE)**

- 37. Paragraphs 1 through 36 are herein incorporated by reference.
- 38. Defendants ANDRADE, JOHN DOE #1 and JOHN DOE #2 subjected plaintiff to excessive force when they threw him to the ground before being handcuffed.
- 39. Defendants' use of physical force against plaintiff was unnecessary, wanton, excessive, and was not applied in good-faith pursuit of Defendants' law-enforcement duties.
- 40. As a result of Defendants' use of excessive force against Plaintiff, Defendants have deprived Plaintiff of his civil, constitutional and statutory rights and have conspired to deprive him of such rights and are liable to plaintiff under 42 U.S.C. §§ 1983 and 1985 and the New York State Constitution.

**WHEREFORE**, plaintiff demands judgment against the defendants, jointly and severally as follows:

- A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;
- B. Awarding the plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;
- C. Awarding the plaintiff reasonable attorney's fees, costs and disbursements of this action; and

D. Granting such other and further relief as this Court deems just and proper.

**THIRD CLAIM FOR RELIEF**  
**(FOURTH AMENDMENT)**

41. Paragraphs 1 through 40 are incorporated herein by reference.

42. Defendants ANDRADE, JOHN DOE #1 and JOHN DOE #2 arrested the plaintiff subjecting him to false arrest, imprisonment and deprivation of liberty without probable cause.

43. That as a result of the foregoing, the plaintiff has been deprived of his following rights, privileges and immunities secured to him by the constitution and the laws of the United States: the right to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments; the rights of the plaintiff not to be deprived of life, liberty or property without due process of law under the Fourth and Fourteenth Amendments; and the right to be free from a deprivation of his civil rights in violation of the statutes made and provided.

44. Plaintiff has been damaged as a result of the wrongful, negligent and illegal acts of the defendant CITY OF NEW YORK in the amount of Five Million (\$5,000,000.00) Dollars.

**WHEREFORE**, plaintiff demands judgment against the defendants, jointly and severally as follows:

A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;

B. Awarding the plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;

C. Awarding the plaintiff reasonable attorney's fees, costs and disbursements of this action; and

D. Granting such other and further relief as this Court deems just and proper.

**FOURTH CLAIM FOR RELIEF**  
**(FOURTEENTH AMENDMENT)**

45. Paragraphs 1 through 44 are incorporated herein by reference.

46. Defendants ANDRADE, JOHN DOE #1 and JOHN DOE #2 illegally arrested the plaintiff subjecting him to false arrest, imprisonment and deprivation of liberty without probable cause.

47. That as a result of the foregoing, the plaintiff has been deprived of his following rights, privileges and immunities secured to him by the constitution and the laws of the United States: the right to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments; the rights of the plaintiff not to be deprived of life, liberty or property without due process of law under the Fourth and Fourteenth Amendments; and the right to be free from a deprivation of his civil rights in violation of the statutes made and provided.

48. Plaintiff has been damaged as a result of the wrongful, negligent and illegal acts of the defendant CITY OF NEW YORK in the amount of Five Million (\$5,000,000.00) Dollars.

**WHEREFORE**, plaintiff demands judgment against the defendants, jointly and severally as follows:

A. In favor of the plaintiff in the amount of Five Million (\$5,000,000.00) Dollars;

B. Awarding the plaintiff punitive damages in the amount of Five Million (\$5,000,000.00) Dollars;

C. Awarding the plaintiff reasonable attorney's fees, costs and disbursements of this action; and

D. Granting such other and further relief as this Court deems just and proper.



**Jury Demand**

Plaintiff demands a jury trial.

Dated: New York, New York  
May 30, 2023

By: /s/ Brian L. Bromberg  
Brian L. Bromberg  
One of Plaintiffs' Attorneys

**Attorneys for Plaintiffs**

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